

**REMARKS**

Claims 18-30 remain in this application. Applicant respectfully submits that no new matter is introduced by the above claim amendments. Accordingly, Applicant respectfully requests entry of the above claim amendments.

**Claim Objections**

The Office Action states that claim 21 is objected to, under 37 CFR 1.75(c), as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. Upon entry of the above claim amendments, claim 21 has been amended to rewrite the claim in independent form. Accordingly, Applicant respectfully submits that the objection to claim 21 is moot.

**Rejections under 35 U.S.C. § 103**

***Claims 18-30***

The Office Action states the claims 18-30 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,705,707, issued to Winter ("Winter '707") in view of U.S. Patent No. 4,554,303, issued to Petke et al. ("Petke et al. '303"). However, Applicant respectfully submits that the present invention as claimed is distinguished over both Winter '707 and Petke et al. '303—either by themselves or in combination.

Winter '707 discloses and teaches films consisting of a  $C_w/B_w/A_w/B_w/C_w$  structure, wherein:  $A_w$  is polyethylene and comprises 30-90% of the film;  $B_w$  are tie layers and comprise 5-35% of the film; and  $C_w$  are heat sealant layers of polyester or copolyester and comprise 5-40% of the film.

Winter '707 always teaches and discloses a requirement for five layers. As such, Winter '707 is distinguished from the present invention in that Winter '707 does not disclose or even suggest the possibility of a 3-layer film, without using the two tie layers ( $B_w$ ). This failure to disclose or teach the 3-layer structure of the present invention is not solved by the teachings and/or disclosure of Petke et al. '303.

Petke et al. '303 discloses and teaches a method to increase crystallinity and crystallization rates of PET. The method is based on addition of a wax to an amorphous copolyester. However, this method differs from the present invention. Further, the disclosure and teaching of Petke et al. '303—either by itself or in combination with Winter '707—fails to reach all the limitations and elements of the claims of the present invention. In fact, the disclosure of Petke et al. '303 teaches away from reaching the claims of the present invention. For example, the methods taught and disclosed by Petke et al. '303 have a goal of providing an increased crystallinity of an amorphous polyester. In contrast, the polyester components and elements of the present invention are, by their nature, of a very low crystallinity (See, for example, page 8, lines 13-23).

Just as the disclosures of Winter '707 and Petke et al. '303 fail to reach all the limitations and elements of the present claims, their end-product film also differs markedly from the film of the present invention. For example, Winter '707 and Petke et al. '303 cannot be combined to suggest a 3-layer (polyester/polyolefin/polyester) such as that claimed by the present invention which possesses the necessary folding properties for use for twist wrapping articles.

For at least the foregoing reasons, the present invention distinguishes over Winter '707 and Petke et al. '303—either by themselves or in combination. Accordingly, Applicant respectfully requests removal of the rejections against claims 18-30 under 35 U.S.C. § 103(a).

The Office Action states that claims 18-30 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,716,061, issued to Winter (“Winter ‘061”) in view of Petke et al. ‘303.

Applicant notes that Winter ‘061 differs from Winter ‘707 only by a substitution of polyethylene for polypropylene in the first layer. As such, the arguments and remarks presented in the previous section remain valid with regard to an attempt to combine Winter ‘061 with Petke et al. ‘303. Accordingly, the present invention distinguishes over Winter ‘061 and Petke et al. ‘303 and Applicant respectfully requests removal of the rejections against claims 18-30 under 35 U.S.C. § 103(a).

***Claims 18-22 and 28-30***

The Office Action states that claims 18-24 and 28-30 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Winter ‘707 in view of U.S. Patent No. 4,352,925, issued to Petke et al. (“Petke et al. ‘925”).

As discussed above with regard to Petke et al. ‘303, Petke et al. ‘925 discloses and teaches a method to increase the crystallinity and crystallization rates of PET. This is in contrast to the materials and compositions of the present invention in which the polyester, by its nature, has a very low crystallinity. This deficiency is not solved or aided by the teaching and disclosure of Winter ‘707. As such, Winter ‘707 and Petke et al. ‘925—either by themselves or in combination—fail to disclose and/or teach all the limitations and elements of the claims of the present invention.

Accordingly, the present invention distinguishes over Winter ‘707 and Petke et al. ‘925 and Applicant respectfully requests removal of the rejections against claims 18-24 and 28-30 under 35 U.S.C. § 103(a).

The Office Action states that claims 18-24 and 28-30 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Winter '061 in view of Petke et al. '925. For at least the reasons discussed above with regard to Winter '707 and Petke '303, the present invention distinguishes over Winter '061 and Petke et al. '925—either by themselves or in combination. Accordingly, Applicant respectfully requests removal of the rejections against claims 18-24 and 28-30 under 35 U.S.C. § 103(a).

**CONCLUSION**

Applicant respectfully requests entry of the above claim amendments. In view of the above claim amendments and remarks, early notification of a favorable consideration is respectfully requested. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0206.

Respectfully submitted,

Dated: April 20, 2004

By: Robert M. Schulman  
Registration No. 31,196  
  
David H. Milligan  
Registration No. 42,893

HUNTON & WILLIAMS LLP  
Intellectual Property Department  
1900 K Street, N.W.  
Suite 1200  
Washington, DC 20006-1109  
(202) 955-1500 (telephone)  
(202) 778-2201 (facsimile)

DHM/cbt